

Practitioner's Docket No. 1026-001



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Julie R. Bartholomew

Application No.: 09/818,077

Filed: 03/27/2001

For: NAIL POLISH COLOR SELECTION SYSTEM

Group No.: 3651

Examiner: Khoi H. Tran

Commissioner for Patents
Washington, D.C. 20231

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is other than a small entity.

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

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CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

X deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Washington D.C. 20231

37 C.F.R. § 1.8(a)

with sufficient postage as first class mail.

37 C.F.R. § 1.10*

X as "Express Mail Post Office to Addressee"

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TRANSMISSION

facsimile transmitted to the Patent and Trademark Office, (703) _____

Signature

Roni L. Masquelier

Date: 10-18-02

RONI L. MASQUELIER

(type or print name of person certifying)

* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)	OTHER THAN A SMALL ENTITY			
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE		ADDIT. FEE
TOTAL	20	- 35	=	x	\$ 18.00	=	\$.00
INDEP.	3	- 3	=	x	\$ 84.00	=	\$.00
					+		
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					\$ 0.00	=	\$ 0.00
TOTAL							
ADDIT. FEE						\$	00

Total additional fee for claims required \$0

FEE PAYMENT

5. Attached is a check in the sum of \$180.00 for Supplemental Information Disclosure Statement.

Charge any additional fees required by this paper or credit any overpayment to Deposit Account no. 50-1097.


FEE DEFICIENCY

6. An additional extension and/or fee is required, charge Account No. 50-1097.

An additional fee for claims is required, charge Account No. 50-1097.

Date:

October 17, 2002


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RESPONSE AND AMENDMENT

In response to the Office Action mailed August 14, 2002, please amend the above-identified application as follows and consider the following remarks.

CLEAN VERSION OF AMENDMENTS

In the Claims:

Please cancel claims 6 and 10-35, without prejudice, to pursue a divisional application.

Please amend claims 1 and 4 as set forth below.

1. (Amended) A custom liquid cosmetic dispensing system, comprising:

- a) a cosmetic dispensing system for dispensing a liquid cosmetic formulation in a liquid state into a package wherein it remains in a liquid state until user application; and
- b) a computer for interacting with a retail customer to select a liquid cosmetic formulation and communicating information about a selection for use in controlling said dispensing system,

wherein said dispensing system is located in a housing that permits viewing of ingredients containers during selection and dispensing of said liquid cosmetic formulation.

4. (Amended) The system of claim 1, wherein said housing comprises a single pod for point of sale dispensing.